



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Adress: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,451	07/18/2007	Domenico Fanara	06-796	9142
20306	7590	01/15/2010		
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			EXAMINER	
300 S. WACKER DRIVE			THOMAS, TIMOTHY P	
32ND FLOOR			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606			1628	
		MAIL DATE	DELIVERY MODE	
		01/15/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No. 10/599,451	Applicant(s) FANARA ET AL.
	Examiner TIMOTHY P. THOMAS	Art Unit 1628

All Participants:(1) TIMOTHY P. THOMAS.**Status of Application:** rejected

(3) _____.

(2) Michael Greenfield.

(4) _____.

Date of Interview: 13 January 2010**Time:** 11a.m.**Type of Interview:**

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

Claims discussed:

1

Prior art documents discussed:

Doron et al. ("Antibacterial effect of parabens against planktonic and biofilm *Streptococcus sobrinus*", 2001 *International Journal of Antimicrobial Agents*; 18: 575-578)

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

See Continuation Sheet

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Timothy P Thomas/
 Examiner, Art Unit 1628

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Mr. Greenfield had indicated to the Examiner that the limitation of the MP+PP amounts would be authorized to the range of 0.375-1mg/mL, for which the Examiner had indicated a meeting with supervisors would be held, although the claims are still not considered to be patentable, at least because the addition of a third preservative would not provide an unexpected antimicrobial solution. On 1/13/2010, the Examiner informed Mr. Greenfield that problems with the claims that still remain, based on the teaching of Doron, lead to amounts below 1 mg/mL as expected to be antimicrobial, such as when a third antimicrobial agent is present; that the results of the specification are not directly comparable to Doron, which considers other bacteria from what is tested in the specification, and the claims are not commensurate in scope with the data disclosed. Mr. Greenfield was informed that an Office Action with a new rejection that includes Doron would be mailed .